

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAI'I REVISED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING/HEARING OF THE MAUI COUNTY BOARD OF VARIANCES AND APPEALS (BVA)

Members: Kevin Tanaka, Rick Tanner, Ray Shimabuku, Bart Santiago, Jr., Bernice Vadla, Jacqueline Haraguchi, Patrick De Ponte, Teddy Espeleta, G. Clark Abbott

### AGENDA

DATE: Thursday, July 12, 2012

TIME: 1:30 p.m.

PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Hawaii

A. CALL TO ORDER

B. APPEALS

1. Determine a hearings officer to preside over the following matter:

TOM PIERCE representing MAUI TOMORROW FOUNDATION, INC., SOUTH MAUI CITIZENS FOR RESPONSIBLE GROWTH and DANIEL KANAHELE appealing the Director of the Department of Public Works' decision to issue mass grading permits (G 2012/0030 & 0039) for the Pi'ilani Promenade located at 376, 451 and 524 Kaonoulu Street, Kihei, Maui, Hawaii; TMK: (2) (2) 3-9-001:016, 117, 171, 172, 173, 174. (BVAA 20120006)

a. Appellee David Goode, Director Department of Public Works' Motion To Dismiss Appeal Filed on May 11, 2012

2. Determine a hearings officer to preside over the following matter:

RICK and DEBRA STRINI of the STRINI FAMILY TRUST appealing the Department of Fire and Public Safety's decision to not approve construction plans for failure to provide a 20-foot wide, all weather surface access road, for the proposed Manawai Homestead Subdivision (DSA File No. 2.2806) located at 263 Manawai Place, Haiku, Maui, Hawaii; TMK: (2) 2-8-003:041. (BVAA 20120005)

3. JOSEPH A. DURAN of VALLEY ISLE AQUATICS appealing the Director of Parks and Recreation's decision to deny a Type III Activity Permit for the use of various swimming pools for a nonprofit organization. (BVAA 20120004). **(Members, please bring previously distributed material with you to the meeting.)**

a. Valley Isle Aquatics' Proposed Findings of Fact, Conclusions of Law and Decision

b. Director, Department of Parks and Recreation's Proposed Findings of Fact, Conclusions of Law, Decision and Order

c. Valley Isle Aquatics' Proposed Exceptions To Hearing Officer's Report and Recommendations

d. Director, Department of Parks and Recreation's Exceptions to Valley Isle Aquatics' Proposed Findings of Fact, Conclusions of Law and Decision

C. UNFINISHED BUSINESS

1. PAUL L. HORIKAWA, ESQ. representing JONATHAN ROSS and SEAN ROSS requesting variances to delete: (1) The requirement that right-of-way access streets be a minimum width of twenty-four (24) feet, as required by Maui County Code, §18.16.060; and (2) The requirement to pave a portion of Door of Faith Road, as required by MCC, §18.20.040, for the Huelo Hui Partition Lots Subdivision (Ross Subdivision) (Subdivision File No. 2.2063) located at 215 and 295 Door of Faith Road, Huelo, Maui, Hawaii; TMK: (2) 2-9-007:020 (BVAV 20100001). **(Deferred from the April 26, 2012 meeting. Members, please bring previously distributed material with you to the meeting.)**
  - a. Request to delete the requirement to obtain an insurance policy with a minimum policy limit of \$500,000.00 and name the County of Maui as an additional insured on said policy.

D. APPROVAL OF THE JUNE 28, 2012 MEETING MINUTES

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: Thursday, July 26, 2012

G. ADJOURNMENT

Agenda items are subject to cancellation.

Each applicant is requested to provide responsible representation at the meeting.

Information relative to the above applications is available for review at the Planning Department's office located at 250 South High Street, Wailuku, Maui, Hawaii.

Any persons requesting accommodation due to disabilities, please call the Maui Planning Department at 270-7253 (Maui), OR 1-800-272-0117 (from Molokai), or 1-800-272-0125 (from Lanai); or notify the Maui Planning Department in writing at 250 South High Street, Wailuku, Maui, Hawaii 96793, or by fax number 270-7634 at least six (6) days before the scheduled meeting.

Oral or written testimony will be received on each any agenda item subject to the provisions of Chapter 92, Hawaii Revised Statutes and the Rules of Practice and Procedure for the Board of Variances and Appeals. Written testimony should be received at least two business days before the meeting to insure distribution to the Board. Fifteen (15) Copies of written testimony are needed if testimony is presented immediately prior to or at the meeting.

Any faxes should be received by the Department of Planning by 4:30 p.m. on the second working day before the meeting to insure that it is circulated to the Board.

An executive session may be called in order for the Board to consult with their attorney on questions and issued pertaining to the Board's powers, duties, privileges, immunities and liabilities.

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at 270-7253 at least one day prior to the meeting date.